

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CRUZ PILZ and RONALD PILZ,

Plaintiffs,

-against-

PELTON & CRANE,

Defendant.

**NOTICE OF
DISMISSAL**

Civil Action No.: 1:09-cv- 1407
(FJS/DRH)

(ECF CASE)

PLEASE TAKE NOTICE, that the plaintiffs, Cruz Pilz and Ronald Pilz, hereby dismiss the above entitled action *without prejudice* pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, permitting the dismissal by the plaintiffs, without a Court Order, by the filing of a Notice of Dismissal at any time before service by an adverse party of an Answer or a Motion for Summary Judgment.

Dated: February 3, 2010

SCARZAFAVA & BASDEKIS, LLP

/ s/ John Scarzafava, Esq.

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SO ORDERED

FREDERICK J. SCULLIN, JR.
SENIOR U.S. DISTRICT JUDGE

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